REMARKS

I.   General

Claims 1-109 are pending, and all are rejected by the Office Action mailed September 7, 2005. Claims 108 and 109 are amended hereby. The issues in the current Office Action are as follows:

- Claim 109 is rejected under 35 U.S.C. §112, second paragraph.

- Claims 1-8, 12-14, 32, 75-78, 86-87, and 108 are rejected under 35 U.S.C. §102(e) over US Patent Application Publication 2004/0203539 (hereinafter, *Benes*).

- Claims 38-49, 62, 63, 68, 69, 91-94, 102-105, 107, and 109 are rejected under 35 U.S.C. §102(e) over US 6,865,395 (hereinafter, *Riley*).

- Claims 27-30, 33-37, and 88-90 are rejected under 35 U.S.C. §103(a) over *Benes*.

- Claims 64-67 and 70-74 are rejected under 35 U.S.C. §103(a) over *Riley*.

- Claims 9-11, 15-26, 31, and 79-85 are rejected under 35 U.S.C. §103(a) over *Benes* in view of *Riley*.

- Claims 50-61, 95-101, and 106 are rejected under 35 U.S.C. §103(a) over *Riley* in view of *Benes*.

Applicant hereby traverses the rejections and requests reconsideration and withdrawal in light of the amendments and remarks contained herein.

II.   Claim Amendments

Claim 108 has been amended to recite, in part, "a channel model independent determination algorithm utilizing receive signal strength differences between multiple receive

antenna patterns." Support may be found at least at paragraph 0016 of the application specification. Thus, no new matter is added.

Claim 109 is amended to change "said multiple antenna patterns" to "multiple antenna patterns" in line 4. This amendment is not in response to any art, nor does it narrow the scope of the claim. No new matter is added.

III.   Claim Rejections Under 35 U.S.C. §112

Claim 109 is rejected under 35 U.S.C. §112, second paragraph, for indefiniteness. Specifically, the Office Action asserts that the phrase, "said multiple antenna patterns," lacks antecedent basis. Applicant has deleted "said" from the above-quoted phrase and asserts that claim 109 is definite. Accordingly, withdrawal of the 35 U.S.C. §112 rejection of claim 109 is respectfully requested.

IV.   Claim Rejections Under 35 U.S.C. §102

A.   Rejections over Benes

On pages 2-5 of the Office Action, claims 1-8, 12-14, 32, 75-78, 86-87, and 108 are rejected under 35 U.S.C. §102(e) over *Benes*. Applicant traverses the rejection.

To anticipate a claim under 35 U.S.C. § 102, a reference must teach every element of the claim, see M.P.E.P. § 2131. Moreover, in order for an applied reference to be anticipatory under 35 U.S.C. § 102 with respect to a claim, "[t]he identical invention must be shown in as complete detail as is contained in the . . . claim," see M.P.E.P. § 2131, citing *Richardson v. Suzuki Motor Co.*, 9 U.S.P.Q.2d 1913 (Fed. Cir. 1989). As discussed further below, these requirements are not satisfied by the 35 U.S.C. § 102 rejection because *Benes* does not teach every element of the claims.

Claim 1 recites, in part, "calculation logic for determining receive signal strength differences of a signal received using said multiple antenna patterns." *Benes* does not teach at least this feature of claim 1. The Office Action cites the passage at paragraph 0027 to teach the feature; however, such assertion is incorrect because *Benes* does not teach a signal

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received using multiple antenna patterns, as claimed. Note that paragraphs 0026 and 0027 teach using downlink signals 802 and 804 to calculate an angle of arrival. The two downlinks signals are received by a mobile station, but it is not taught that either of the signals are received by the mobile station using multiple antenna patterns. While paragraph 0026 recites, "Based on the antenna patterns, the mobile station 160 may autonomously determine an angle of arrival," such statement does not teach that a signal is received using multiple antenna patterns, rather, the passage refers to the transmit pattern of each of the signals. Therefore, *Benes* does not teach a signal received using multiple antenna patterns and does not teach this feature of claim 1.

Claim 75 recites, in part, "determining receive signal strength differences of a signal received using said multiple antenna patterns." *Benes* does not teach at least this feature of claim 75. As explained above, *Benes* does not teach a signal received using multiple antenna patterns. Note that paragraphs 0026 and 0027 teach using downlink signals 802 and 804 to calculate an angle of arrival. The two downlinks signals are received by a mobile station, but it is not taught that either one of the signals are received by the mobile station using multiple antenna patterns. While paragraph 0026 recites, "Based on the antenna patterns, the mobile station 160 may autonomously determine an angle of arrival," such statement does not teach that a signal is received using multiple antenna patterns, rather, the passage refers to the transmit pattern of each of the downlink signals. Thus, *Benes* does not teach this feature of claim 70.

Claim 108 recites, in part, "a channel model independent determination algorithm utilizing receive signal strength differences between multiple receive antenna patterns." *Benes* does not teach utilizing multiple receive antenna patterns. Note that paragraphs 0026 and 0027 teach using downlink signals 802 and 804 to calculate an angle of arrival. The two downlinks signals are received by a mobile station, but it is not taught that the mobile station utilizes multiple receive antenna patterns. While paragraph 0026 recites, "Based on the antenna patterns, the mobile station 160 may autonomously determine an angle of arrival," such statement does not teach utilizing multiple receive antenna patterns, rather, the passage refers to the transmit pattern of each of the signals. Thus, *Benes* does not teach this feature of claim 108.

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Dependent claims 2-8, 12-14, 32, 76-78, 86, and 87 each depend either directly or indirectly from respective independent claims 1 and 75 and, thus, inherit all of the limitations of their respective independent claims. Thus, *Benes* does not teach all claim limitations of claims 2-8, 12-14, 32, 76-78, 86, and 87. It is respectfully submitted that dependent claims 2-8, 12-14, 32, 76-78, 86, and 87 are allowable at least because of their dependence from their respective base claims for the reasons discussed above.

Further, the dependent claims include features that are novel in their own right. For instance, claim 2 recites, in part, "said database contains antenna gain differences between multiple narrow antenna patterns and a wide antenna pattern", and claim 86 recites, in part, "calculating antenna gain differences between each of a plurality of narrow beam antenna patterns and a wide beam antenna pattern." *Benes* does not teach such gain differences between wide and narrow antenna patterns, and, therefore, does not teach these features.

Claim 4 recites, in part, "said database associates ones of said antenna gain differences in antenna gain difference sets." *Benes* does not teach antenna gain difference sets, and, therefore, does not teach this feature.

Claim 5 recites, in part, "each antenna gain difference set includes angle information." *Benes* does not teach gains difference sets, nor including angle information in gain difference sets, and, therefore, does not teach this feature.

Claim 7 recites, in part, "antenna gain difference sets include antenna gain differences of a plurality of wireless network access nodes." *Benes* does not teach such gains difference sets. Further, it does not teach gain differences of a plurality of wireless access nodes, as its gain differences are between antennas in the same node. See, e.g., paragraph 0026 of *Benes*.

Claim 8 recites, in part, "said antenna gain difference sets including antenna gain differences of a plurality of wireless network access nodes include position information." *Benes* does not teach gains difference sets, nor including position information in gain difference sets, and, therefore, does not teach this feature.

Claim 77 recites in part, "estimating a position of said device as a function of said direction." *Benes* does not teach this feature because its teaching ends at determining an angle of arrival. See, e.g., paragraph 0030 of *Benes*. Such teaching is not enough to show the above-recited feature.

Claim 78 recites, in part, "identifying a position stored in association with said closest match." *Benes* does not teach this feature because it does not teach a stored position. Accordingly, withdrawal of the rejection of claims 1-8, 12-14, 32, 75-78, 86-87, and 108 is respectfully requested.

B.   Rejections over Riley

Claims 38-49, 62, 63, 68, 69, 91-94, 102-105, 107, and 109 are rejected under 35 U.S.C. §102(e) over *Riley*. Applicant traverses the rejection.

To anticipate a claim under 35 U.S.C. § 102, a reference must teach every element of the claim, see M.P.E.P. § 2131. Moreover, in order for an applied reference to be anticipatory under 35 U.S.C. § 102 with respect to a claim, "[t]he identical invention must be shown in as complete detail as is contained in the . . . claim," see M.P.E.P. § 2131, citing *Richardson v. Suzuki Motor Co.*, 9 U.S.P.Q.2d 1913 (Fed. Cir. 1989). As discussed further below, these requirements are not satisfied by the 35 U.S.C. § 102 rejection because *Riley* does not teach every element of the claims.

Claim 38 recites, in part, "a database containing predicted receive signal strength information for multiple antenna patterns of a wireless network access node." *Riley* does not teach this feature of claim 38 at least because it does not teach predicted receive signal strength information. The Office Action cites the passage at column 6, lines 13-24 to teach the feature. The cited passage teaches that "expected areas" may be adjusted based on received signal strengths. Col. 6, lines 20-24. However, these signal strengths are "the received signal strength from the signal from the BTS as received at the terminal." Col. 2, lines 60-61. In other words, the *Riley* system uses actual received signal strength rather than predicted receive signal strength information. Accordingly, *Riley* does not teach the above-quoted feature of claim 38.

Further, claim 38 recites, in part, "comparison logic for comparing said measured receive signal strengths to said predicted receive signal strength information." As explained above, *Riley* does not teach predicted receive signal strength information, and, therefore, cannot teach the claimed comparing. Further, while the passage cited by the Office Action (column 6, lines 25-30) teaches creating a combined expected area from two or more other expected areas, it does not teach comparing, much less comparing measured receive signal strengths to said predicted receive signal strength information. Accordingly, *Riley* does not teach this feature of claim 38.

Claim 91 recites in part, "predicting receive signal strength information for multiple antenna patterns of a wireless network access node," and "comparing measured receive signal strengths to said predicted receive signal strength information and identifying a closest match." *Riley* does not teach these features of claim 91 at least because it does not teach predicting receive signal strength information. The Office Action cites the passage at column 6, lines 13-30 to teach the feature. The cited passage teaches that "expected areas" may be adjusted based on received signal strengths. Col. 6, lines 20-24. However, these signal strengths are "the received signal strength from the signal from the BTS as received at the terminal." Col. 2, lines 60-61. In other words, the *Riley* system uses actual received signal strength rather than predicted receive signal strength information. Accordingly, *Riley* does not teach the above-quoted features of claim 91.

Claim 105 recites, in part, "a channel model independent determination algorithm utilizing receive signal strength differences between multiple antenna patterns of a wireless network node." *Riley* does not teach at least this feature of claim 105. The Office Action cites the passage at column 4, lines 8-42 to teach the feature; however, such passage merely teaches a wireless network with corresponding cells and sectors and does not teach a system comprising both a channel model independent determination algorithm and a channel model based determination algorithm. Further, *Riley* also does not teach receive signal strength differences between multiple antenna patterns of a wireless network node. While *Riley* teaches that "expected areas" may be adjusted based on received signal strengths, such signal strengths are not the same as receive signal strength differences between multiple antenna patterns of a wireless network node. See Col. 6, lines 20-24. *Riley* does not mention such

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signal strength differences, and it should be noted that signal strengths are not enough, without more, to teach signal strength differences between multiple antenna patterns. Accordingly, *Riley* does not teach the above-quoted feature of claim 105.

Claim 109 recites, in part, "a channel model based determination algorithm utilizing … signal strength predictions provided by modeling an environment of said wireless network." *Riley* does not teach this feature of claim 109. The Office Action cites the passage at column 5, lines 1-65 to teach the feature; however, the cited passage does not teach the feature because *Riley* does not teach signal strength predictions. As explained above, the signal strengths of *Riley* are "the received signal strength from the signal from the BTS as received at the terminal." Col. 2, lines 60-61. In other words, the *Riley* system uses actual received signal strength rather than signal strength predictions. Further, not only does *Riley* not teach signal strength predictions, but it also does not teach modeling an environment of a wireless network. Accordingly, *Riley* does not teach the above-quoted feature of claim 109.

Dependent claims 39-49, 62, 63, 68, 69, 92-94, 102-104, and 107 each depend either directly or indirectly from respective independent claims 38, 91, and 105 and, thus, inherit all of the limitations of their respective independent claims. Thus, *Riley* does not teach all claim limitations of claims 39-49, 62, 63, 68, 69, 92-94, 102-104, and 107. It is respectfully submitted that dependent claims 39-49, 62, 63, 68, 69, 92-94, 102-104, and 107 are allowable at least because of their dependence from their respective base claims for the reasons discussed above. Further, the dependent claims include features that are novel in their own right. For instance, claim 41 recites, in part, "said predicted receive signal strength information is predicted using a generic propagation model." *Riley* does not teach this feature at least because it does not teach a generic propagation model. Therefore, *Riley* does not teach the above-quoted feature.

Claim 102 recites, in part, "providing network access as a function of said closest match." *Riley* does not teach this feature.

Claim 103 recites, in part, "providing data content as a function of said closest match." *Riley* does not teach this feature.

Claim 104 recites, in part, "providing management of network resources as a function of said closest match. *Riley* does not teach this feature. Accordingly, withdrawal of the rejection of claims 38-49, 62, 63, 68, 69, 91-94, 102-105, 107, and 109 is respectfully requested.

V. Claim Rejections Under 35 U.S.C. §103

A. Rejections over Benes

Claims 27-30, 33-37, and 88-90 are rejected under 35 U.S.C. §103(a) over *Benes*. Applicant traverses the rejection.

To show obviousness under 35 U.S.C. § 103(a), three basic criteria must be met. First, there must be some suggestion or motivation, either in the reference itself or in the knowledge generally available to one of ordinary skill in the art, to modify the applied reference. Second, there must be a reasonable expectation of success. Finally, the applied reference must teach or suggest all the claim limitations. *See* M.P.E.P. § 2143. Without conceding the second criterion, Applicant respectfully asserts that the rejection does not satisfy the first and third criteria, as discussed further below.

1. Lack of motivation to modify

The Office Action fails to provide the requisite motivation to modify *Benes* as proposed. It is well settled that the fact that references can be combined or modified is not sufficient to establish a *prima facie* case of obviousness, M.P.E.P. § 2143.01.

In rejecting claims 27 and 28, the Office Action acknowledges that *Benes* does not teach or suggest "security logic for preventing, or providing levels of access to a wireless network..." The Office Action then asserts that "[i]t is however, well known in the art to provide security logic such as authentication, authorization code in order to prevent or authorize access to a network service."

In arguing this, the Office Action fails to suggest the why one of ordinary skill in the art would be motivated to make such a modification. The statement merely suggests that it is

possible to make the modification because the missing piece is known—i.e., no motivation at all. Such language is merely a statement that the references can be modified, and does not state any desirability for making the modifications. The rejections of 29-30, 33-37, and 88-90 suffer the same deficiency. The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combinations, M.P.E.P. § 2143.01 citing *In re Mills*, 16 U.S.P.Q.2d 1430 (Fed. Cir. 1990). Thus, the failure to provide motivation suggesting desirability of the modification is improper. Accordingly, Applicant respectfully submits that the 35 U.S.C. § 103(a) rejection of claims 27-30, 33-37, and 88-90 fails.

2.   Failure to teach or suggest all limitations

As shown above, *Benes* does not teach every limitation of independent claims 1 and 75. Dependent claims 27-30, 33-37, and 88-90 each depend either directly or indirectly from respective independent claims 1 and 75 and, thus, inherit all of the limitations of their respective independent claims. Thus, *Benes* does not teach or suggest all claim limitations of claims 27-30, 33-37, and 88-90. It is respectfully submitted that dependent claims 27-30, 33-37, and 88-90 are allowable at least because of their dependence from their respective base claims for the reasons discussed above.

Further, the dependent claims include features that are novel in their own right because they are not taught or suggested by *Benes*, as modified. In rejecting each of claims 27-30, 33-37, and 88-90, the Office Action acknowledges that *Benes* does not include the features, then the Office Action asserts that each of the features are obvious or "well-known in the art." It is believed that such statement is Official Notice by the Office that the features of the claims are known. Such an assertion without documentary evidence may be appropriate if the Office Action provides "specific factual findings predicated on sound technical and scientific reasoning to support his or her conclusion of common knowledge." M.P.E.P. §2144.03(B). However, the rejections do not include such reasoning, as explained below.

For instance, in rejecting claims 27 and 28, the Office Action states, "It is however well known in the art to provide security logic such as authentication, authorization code in

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order to prevent or authorize access to a network or service." However, such reasoning is flawed because simply providing security logic such as authentication and authorization code does not necessarily include "a function of said identified closest match," as claimed. Further, it is respectfully asserted that even if it is true that providing security logic such as authentication and authorization code is well known in the art, such knowledge is not enough to teach or suggest "a function of said identified closest match," as claimed. Accordingly, the cited combination does not teach or suggest the recited feature of claims 27 and 28.

Further, in rejecting claims 28-30 and 88-90, the Office Action states:

> *Benes* discloses the system, and method of claims 1, and 75 as described above, except for the content delivery logic for providing content via a wireless network to said device as a function of said identified closest match, and management logic for providing management of at least one of wireless communications and wireless communication system resources as a function of said identified closest match. It is however obvious to one skill in the art because there must be a way to manage the communications and delivery the content from the network to the device since that is how the system communicate and transmit information between each other.

Once again, each of claims 28-30 and 88-90 recite, in part, "a function of said closest match." The reasoning in the rejection is flawed because managing the communication and delivery of content does not necessarily include "a function of said closest match," as claimed. Further, it is respectfully asserted that even if it is true that managing the communication and delivery of content is well known in the art, such knowledge is not enough to teach or suggest "a function of said identified closest match," as claimed. Accordingly, the cited combination does not teach or suggest the recited feature of claims 28-30 and 88-90.

While Applicant has traversed the contents of the Official Notice, Applicant further respectfully requests that the Examiner provide an affidavit or publication supporting such Notice under M.P.E.P. § 2144.03(C) if the Examiner believes such features are well-known. For these reasons, withdrawal of the rejections of claims 27-30, 33-37, and 88-90 is respectfully requested.

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B.   Rejections over Riley

Claims 64-67 and 70-74 are rejected under 35 U.S.C. §103(a) over *Riley*. Applicant traverses the rejection.

To show obviousness under 35 U.S.C. § 103(a), three basic criteria must be met. First, there must be some suggestion or motivation, either in the reference itself or in the knowledge generally available to one of ordinary skill in the art, to modify the applied reference. Second, there must be a reasonable expectation of success. Finally, the applied reference must teach or suggest all the claim limitations. *See* M.P.E.P. § 2143. Without conceding the second criterion, Applicant respectfully asserts that the rejection does not satisfy the first and third criteria, as discussed further below.

1.   Lack of motivation to modify

The Office Action fails to provide the requisite motivation to modify *Riley* as proposed. It is well settled that the fact that references can be combined or modified is not sufficient to establish a *prima facie* case of obviousness, M.P.E.P. § 2143.01.

In rejecting claims 64 and 65, the Office Action acknowledges that *Benes* does not teach or suggest "security logic for preventing , or providing levels of access to a wireless network..." Office Action at 11. The Office Action then asserts that "[i]t is however, well known in the art to provide security logic such as authentication, authorization code in order to prevent or authorize access to a network service." Id. at 11-12.

In arguing this, the Office Action fails to suggest the why one of ordinary skill in the art would be motivated to make such a modification. The statement merely suggests that it is possible to make the modification because the missing piece is known—i.e., no motivation at all. Such language is merely a statement that the references can be modified, and does not state any desirability for making the modifications. The rejections of 66, 67, and 70-74 suffer the same deficiency. The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combinations, M.P.E.P. § 2143.01 citing *In re Mills*, 16 U.S.P.Q.2d 1430 (Fed. Cir. 1990). Thus, the failure to provide motivation suggesting desirability of the modification is

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improper. Accordingly, Applicant respectfully submits that the 35 U.S.C. § 103(a) rejection of claims 27-30, 33-37, and 88-90 fails.

2.   Failure to teach or suggest all limitations

As shown above, *Riley* does not teach every limitation of independent claim 38. Dependent claims 64-67 and 70-74 each depend either directly or indirectly from independent claim 38 and, thus, inherit all of the limitations of claim 38. Thus, *Riley* does not teach or suggest all claim limitations of claims 64-67 and 70-74. It is respectfully submitted that dependent claims 64-67 and 70-74 are allowable at least because of their dependence from claim 38 for the reasons discussed above.

Further, the dependent claims include features that are novel in their own right because they are not taught or suggested by *Benes*, as modified. In rejecting each of claims 64-67 and 70-74, the Office Action acknowledges that *Benes* does not include the features, then the Office Action asserts that each of the features are obvious or "well-known in the art." It is believed that such statement is Official Notice by the Office that the features of the claims are known. Such an assertion without documentary evidence may be appropriate if the Office Action provides "specific factual findings predicated on sound technical and scientific reasoning to support his or her conclusion of common knowledge." M.P.E.P. §2144.03(B). However, the rejections do not include such reasoning, as explained below.

For instance, in rejecting claims 64 and 65, the Office Action states, "It is however well known in the art to provide security logic such as authentication, authorization code in order to prevent or authorize access to a network or service." However, such reasoning is flawed because simply providing security logic such as authentication and authorization code does not necessarily include "a function of said identified closest match," as claimed. Further, it is respectfully asserted that even if it is true that providing security logic such as authentication and authorization code is well known in the art, such knowledge is not enough to teach or suggest "a function of said identified closest match," as claimed. Accordingly, the cited combination does not teach or suggest the recited feature of claims 64 and 65.

Further, in rejecting claims 66 and 67, the Office Action states:

>*Benes* discloses the system, and method of claims 1, and 75 as described
>above, except for the content delivery logic for providing content via a
>wireless network to said device as a function of said identified closest match,
>and management logic for providing management of at least one of wireless
>communications and wireless communication system resources as a function
>of said identified closest match. It is however obvious to one skill in the art
>because there must be a way to manage the communications and delivery the
>content from the network to the device since that is how the system
>communicate and transmit information between each other.

Once again, each of claims 66 and 67 recite, in part, "a function of said closest match." The reasoning in the rejection is flawed because managing the communication and delivery of content does not necessarily include "a function of said closest match," as claimed. Further, it is respectfully asserted that even if it is true that managing the communication and delivery of content is well known in the art, such knowledge is not enough to teach or suggest "a function of said identified closest match," as claimed. Accordingly, the cited combination does not teach or suggest the recited feature of claims 66 and 67.

While Applicant has traversed the contents of the Official Notice, Applicant further respectfully requests that the Examiner provide an affidavit or publication supporting such Notice under M.P.E.P. § 2144.03(C) if the Examiner believes such features are well-known. For these reasons, withdrawal of the rejections of claims 64-67 and 70-74 is respectfully requested.

C.   Rejections over Benes in view of Riley

Claims 9-11, 15-26, 31, and 79-85 are rejected under 35 U.S.C. §103(a) over *Benes* in view of *Riley*. Applicant traverses the rejection.

To show obviousness under 35 U.S.C. § 103(a), three basic criteria must be met. First, there must be some suggestion or motivation, either in the reference itself or in the knowledge generally available to one of ordinary skill in the art, to modify the applied reference. Second, there must be a reasonable expectation of success. Finally, the applied reference must teach or suggest all the claim limitations. *See* M.P.E.P. § 2143. Without conceding the any other criteria, Applicant respectfully asserts that the rejection does not satisfy the third criterion, as discussed further below.

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As shown above, *Benes* does not teach every limitation of independent claims 1 and 75. Dependent claims 9-11, 15-26, 31, and 79-85 each depend either directly or indirectly from respective independent claims 1 and 75 and, thus, inherit all of the limitations of their respective independent claims. Thus, *Benes* does not teach or suggest all claim limitations of claims 9-11, 15-26, 31, and 79-85. The Office Action does not rely on *Riley* to teach or suggest the features that are missing from *Benes*, nor does *Riley* teach or suggest those features. Thus, the cited combination does not teach or suggest all features of claims 9-11, 15-26, 31, and 79-85. It is respectfully submitted that dependent claims 9-11, 15-26, 31, and 79-85 are allowable at least because of their dependence from their respective base claims for the reasons discussed above.

Further, the dependent claims include features that are novel in their own right. For instance, claim 16 recites, in part, "said database containing predicted receive signal strength information associates predicted receive signal strength information in sets having a distance associated therewith." The combination does not teach this feature at least because neither *Benes* nor *Riley* teaches such sets.

Claim 17 recites, in part, "said database containing predicted receive signal strength information associates predicted receive signal strength information in sets having a position associated therewith." The combination does not teach this feature at least because neither *Benes* nor *Riley* teaches such sets.

Claim 18 recites, in part, "said predicted receive signal strength information is predicted using a generic propagation model." The combination does not teach this feature at least because neither *Benes* nor *Riley* teaches a generic propagation model.

Claim 83 recites in part, "estimating a position of said device as a function of said closest match of said antenna gain differences; and separately estimating a position of said device as a function of said closest match of said receive signal strengths." The combination does not teach this feature at least because neither *Benes* nor *Riley* teaches such separately estimating. The Office Action relies on *Benes* to teach the feature. However, *Benes* in its calculation uses both antenna gain and signal difference to make a single angle of arrival

determination. See paragraph 0027 of *Benes*. Thus, the combination does not teach or suggest such separately estimating, as claimed.

Claim 84 includes a one of said position estimates (a closest match of antenna gain differences or a closest match of received signal strengths) is used to confirm the other of said position estimates. The combination does not teach this feature at least because neither *Benes* nor *Riley* teaches such confirming.

D.   Rejections over Riley in view of Benes

Claims 50-61, 95-101, and 106 are rejected under 35 U.S.C. §103(a) over *Riley* in view of *Benes*. Applicant traverses the rejection.

As shown above, *Riley* does not teach every limitation of independent claims 38, 91 and 105. Dependent claims 50-61, 95-101, and 106 each depend either directly or indirectly from respective independent claims 38, 91, and 105 and, thus, inherit all of the limitations of their respective independent claims. Thus, *Riley* does not teach or suggest all claim limitations of claims 50-61, 95-101, and 106. The Office Action does not rely on *Benes* to teach or suggest the features that are missing from *Riley*, nor does *Benes* teach or suggest those features. Thus, the cited combination does not teach or suggest all features of claims 50-61, 95-101, and 106. It is respectfully submitted that dependent claims 50-61, 95-101, and 106 are allowable at least because of their dependence from their respective base claims for the reasons discussed above.

Further, the dependent claims include features that are novel in their own right. For instance, claims 51-55 each recite "antenna gain difference sets" including various kinds of information. The combination does not teach these features at least because neither *Benes* nor *Riley* teaches such sets.

Claim 99 recites in part, "estimating a position of said device as a function of said closest match of said antenna gain differences; and separately estimating a position of said device as a function of said closest match of said receive signal strengths." The combination does not teach this feature at least because neither *Benes* nor *Riley* teaches such separately estimating. The Office Action relies on *Benes* to teach the feature. However, *Benes* in its

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calculation uses both antenna gain and signal difference to make a single angle of arrival determination. See paragraph 0027 of *Benes*. Thus, the combination does not teach or suggest such separately estimating, as claimed.

Claim 100 includes a one of said position estimates (a closest match of antenna gain differences or a closest match of received signal strengths) is used to confirm the other of said position estimates. The combination does not teach this feature at least because neither *Benes* nor *Riley* teaches such confirming.
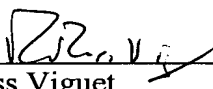
VI.   Conclusion

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 06-2380, under Order No. 64032/P008US/10307656 from which the undersigned is authorized to draw.

Dated: December 7, 2005   Respectfully submitted,

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